IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.26520 of 2006

Dated: October 9, 2007

Between:

Kapu Koteswara Rao, S/o. Rosaiah, aged about 25 years, Fisherman, R/o. Madhira, Khammam District, and others.

… Petitioners

And

District Collector, Khammam District, Khammam, And others.

… Respondents

Order:

Petitioners, members of Fish Industrial Cooperative Society, Madhira, Khammam District, seek Mandamus to declare the action of respondents 1 to 3 in not taking action against Respondent No.4, President of the aforesaid Society, for his illegal acts and misdeeds as illegal and arbitrary.

2. Heard learned counsel for petitioners, learned Government Pleader for Fisheries for respondents 1 to 3 and learned Standing Counsel for the fourth respondent.

3. Petitioners, fishermen, claim to be the members of the aforesaid Society amongst 279 members. It is stated that there are 9 fishponds within Madhira Mandal, namely, Madhira, Maturu, Marlapadu, Desinenipalem, Rayapatnam, Madupalli-I, Madupalli-II, Motamarri-I and Motamarri-II and all the members of the Society have equal rights over the said fishponds. Petitioners' case is that fourth respondent herein, who is the President of the said Society, committed several irregularities which are detrimental to the interests of the members. Their grievance is that though they have made representation to respondents 1 to 3 about the misdeeds of the fourth respondent, no action whatsoever has been taken.

4. Assistant Director of Fisheries, Khammam, has filed counter affidavit stating that in view of the complaint made by petitioners against the fourth respondent, an enquiry was conducted and it is found that majority of existing members in the Society are of the view that fourth respondent is acting as per their opinion and also in accordance with the provisions of the A.P. Cooperative Societies Act, 1964 (for short 'the Act').

5. Petitioners seek directions to respondents 1 to 3 to take action against the fourth respondent for the irregularities alleged to have been committed by him. However, in the counter affidavit it is stated that basing on the complaint made by petitioners, enquiry was conducted and it is found that the Society is being run in accordance with the provisions of the Act. Hence, the grievance of petitioners stood redressed. In view of the enquiry conducted by the respondents, it cannot be said that respondents have not acted on the representation of petitioners.

6. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 9, 2007
MRR